

REMARKS

Applicant requests favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1 and 3-16 are pending in this application. Claims 1, 9-11 and 13-15 are the independent claims under consideration.

Claim 2 has been cancelled without prejudice to or disclaimer of the recited subject matter.

Claims 1, 6, 7, 9-11 and 13-15 have been amended and no new claims have been added. No new matter has been added. In the outstanding Office Action, the Examiner asserted that the Information Disclosure Statement (IDS) filed on November 25, 2003 failed to comply with the requirements of 37 CFR 1.98. The Examiner cited five requirements of that rule, but he did not identify which requirement was the basis of the alleged non-compliance. In any event , Applicant respectfully submits that the IDS did comply with the requirements.

The November 25, 2003 IDS cited just a single document for the Examiner's consideration, which is a co-pending U.S. application. The IDS complies with all requirements of Rule 98 referenced in the Office Action: (1) there is a listing on page 1 of the IDS of the application submitted for consideration (the cited application is listed by its application number, filing date, and the name of the inventor), (2) this is inapplicable since no U.S. patents or patent application publications were cited, (3) the application number of the application in which the information is submitted for consideration is clearly present in the caption at the top of page 1 of the IDS, (4) there is a column that provides a blank space next to the listed document, for the Examiner to initial his consideration (in fact, there is a column on either side of the listed

document), and (5) there is a heading that clearly indicates that the list is an Information Disclosure Statement.

Since the Examiner did not specify why he deemed the IDS not to comply with the requirements, Applicant cannot respond with further specificity. If the Examiner objects because there is no heading of AExaminer's initials@ over a column, Applicant would point out that Rule 98 does not specify any required heading for the column. The clear intent of the requirement is that references submitted for consideration have space beside them in the list to clearly indicate which have been considered, rather than being strung together in paragraph form. Further, if the Examiner's objection is because the co-pending application was not listed on a PTO-1449 form, Applicant would point out that Rule 98 does not specify that a particular form of list is required. Moreover, to the extent a cited co-pending application remains confidential when it is cited in an IDS, it is not appropriate to list it on a PTO-1449 form because the items listed on that form are listed on the face of the patent when it issues, which is not appropriate for a confidential application.

Accordingly, Applicant submits that the IDS filed November 25, 2003 satisfies both the spirit and the actual text of the requirements of Rule 98, and the Examiner's initials to indicate consideration of the cited co-pending application are requested. If the Examiner maintains his objection, Applicant respectfully requests that the Examiner point out the specific language of Rule 98 that he deems the IDS not to comply with, and that the Examiner explain why the IDS is deemed not to comply with such language.

Turning now to the outstanding rejections, Claim 13-16 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 13-16 of co-pending Patent Application No. 10/686,557. Applicant notes that this is a

provisional rejection, since the claims of the ‘557 application have not been patented. Further, it is Applicant’s current intention to amend those claims in response to an outstanding Office Action in that application. Accordingly, reconsideration of the provisional double-patenting rejection is requested following such claim amendments.

Claims 7, 8, 11, 12, 15 and 16 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions. Claims 7, 11, and 15 have been amended to recite that a program is embodied in a computer-readable medium. Applicant submits that such claims define statutory subject matter, and reconsideration and withdrawal of this rejection are requested.

Claims 9-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0085722 (Asano et al.), in view of U.S. Patent No. 4,994,023 (Imao et al.). Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Asano et al. in view of Imao et al., and further in view of “PEG 2000 Part 1 Final Committee Draft Version 1.0, ISO/IEC JTC1/SC29 WG1. 16 March 2000” (JPEG2000). Applicant respectfully traverses these rejections for the reasons discussed below.

As recited in independent Claim 1, the present invention includes, *inter alia*, the features of forming tile groups from adjacent tiles in a hierarchical structure, generating encryption key information for each tile on the basis of encryption key information for a tile group located at an upper layer in the hierarchical structure and a one-way function, designating a desired tile group in a desired layer to be encrypted, and encrypting each tile located at a lower layer belonging to the designated tile group using an encryption key generated for the tile. Since the encryption keys are each derived from an encryption key at a higher layer (and ultimately from a single encryption key of the uppermost layer in the hierarchy), management of keys is

simplified because independent keys for each tile do not need to be managed. On the other hand, since the encryption keys are derived from an encryption key at a higher layer using a one-way function, decryption of a partial image (i.e., a tile group at one layer) does not permit decryption of the entire image outside the partial image (i.e., decryption at a higher layer of the hierarchy).

Applicant submits that the cited art fails to disclose or suggest at least the above-mentioned features of Claim 1, and therefore the cited art cannot obtain the above-mentioned advantages. Asano et al. discloses encrypting an image using key information. However, that document is silent as to encrypting each tile using a respective key and, in particular, fails to disclose or suggest generating an encryption key for each tile on the basis of encryption key information generated for a tile group at an upper layer in an hierarchical structure and a one-way function. The Examiner cited to paragraph 0203 of Asano et al. However, that paragraph discloses generating a key for a second layer from a key for the bottom, instead of generating a key for a tile on the basis of encryption key information from an upper layer, using a one-way function, as recited in Claim 1.

The other cited art also fails to disclose or suggest at least the above-mentioned features of Claim 1 and therefore fails to remedy the deficiencies of Asano et al. For example, Imano et al. discloses division of image data, but is silent about forming tile groups from a plurality of adjacent tiles in an image space so as to define a hierarchical structure. Accordingly, that document also does not disclose or suggest the claimed generating or encryption processing steps of Claim 1.

In view of the foregoing, Applicant submits that the present invention recited in independent Claim 1 is patentable over the art of record, whether that art is considered individually or taken in combination. The other independent claims recite features similar to the

above-discussed features of Claim 1, and those other independent claims are believed patentable for reasons similar to Claim 1.

The dependent claims are believed patentable for at least the same reasons as the independent claims, as well as for the additional features they recite.

In view of the foregoing, Applicant requests reconsideration, withdrawal of the outstanding rejections, and an early Notice of Allowance.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian L. Klock", is written over a horizontal line.

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